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TO: Examiner Brian Szmal
U.S. Patent and Trademark Office

FAX NO: 703.872.9306

PHONE NO: 571.272.4733

SUBJECT: U.S. Application No. 09/977,289

Attorney Docket No. 06530.0145-02

DATE: June 16, 2005

FROM

Name: Michael W. Kim
Fax # Verified by: MWK MD 1042

Phone No.: 202.408.4449
Pages (incl. this): 23

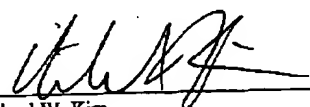
Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that the attached papers:

- Resubmission of Information Disclosure Statement (2 pages) including a copy of the Information Disclosure Statement Under 37 C.F.R. § 1.97(b) (2 pages) and Form PTO 1449 (6 pages) that was filed in the U.S. Patent and Trademark Office on November 28, 2001, and a copy of the date-stamped PTO receipt postcard showing receipt on November 28, 2001 of the Information Disclosure Statement and Form PTO 1449 (1 page); and
 - Copy of document entitled "Quinton 'Model 4.7mm Multipurpose Biopsy Tube' operator manual," (11 pages);
- are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.


Michael W. Kim
Reg. No. 51,880

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

JUN 16 2005

PAGE 2/23 * RCVD AT 6/16/2005 6:12:37 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-1/1 * DNIS:8729306 * CSID:2024084400 * DURATION (mm-ss):07-58

PATENT
Customer No. 22,852
Attorney Docket No. 6530.0145-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
VINCENT TURTURRO et al.) Group Art Unit: 3736
Serial No.: 09/977,289) Examiner: SZMAL, BRIAN SCOTT
Filed: October 16, 2001) Confirmation No. 3612
For: BIOPSY INSTRUMENT HAVING)
IRRIGATION AND ASPIRATION)
CAPABILITIES)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT FILED
NOVEMBER 28, 2001 UNDER 37 C.F.R. § 1.97(b)

In the Form PTO 1449 returned to Applicants on October 22, 2003, the item under Other Documents entitled "Quinton, 'Model 4.7mm Multipurpose Biopsy Tube' operator manual, 10 pages" was crossed out, despite the fact that under the provisions of 37 C.F.R. § 1.98(d) and M.P.E.P. § 609(III), because the aforementioned document was of record in prior Application No. 09/079,168, filed May 15, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120, the document was properly not enclosed.

Nevertheless, in order to afford the Examiner another opportunity to properly consider the reference, Applicants resubmit a copy of the Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO 1449 that was filed in the U.S.

Application No. 09/977,289
Attorney Docket No. 06530.0145-02
Resubmission of Information Disclosure Statement - June 16, 2005

Patent and Trademark Office on November 28, 2001, prior to the issuance of the Notice of Allowance dated March 28, 2005. A copy of the date-stamped PTO receipt postcard showing receipt on November 28, 2001 of the Information Disclosure Statement and Form PTO 1449 is also attached. Accordingly, because the Information Disclosure Statement Under 37 C.F.R. §1.97(b) was timely submitted prior to the issuance of the Notice of Allowance, Applicants respectfully request consideration of the aforementioned reference listed on the Form PTO 1449 and the return of the appropriate portion of the Form PTO 1449 with notations indicating that the aforementioned reference had been considered. For the Examiner's convenience, a copy of the aforementioned reference is attached.

If there is any other fee not already accounted for and due in connection with the filing of this Resubmission, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 16, 2005

By: 

Michael W. Kim
Reg. No. 51,880

6530.0145-02

BCM/LER/SMT

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Vincent Turturro et al.

Serial No.: 09/977,289

Group Art Unit: 3736

Filed: October 16, 2001

Examiner: TO BE ASSIGNED

For: BIOPSY INSTRUMENT HAVING IRRIGATION AND ASPIRATION CAPABILITIES

1. Information Disclosure Statement Under 37 C.F.R. §1.97(b); and
2. Form PTO-1449

Dated: November 28, 2001

Docket No.: 6530.0145-02

JMT/V. Simmons - Mail Drop 852



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PATENT
Customer No. 22,852
Attorney Docket No. 6530.0145-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Vincent TURTURRO et al.) Group Art Unit: 3736
)
Application No.: 09/977,289) Examiner: TO BE ASSIGNED
)
Filed: October 16, 2001)
)
For: BIOPSY INSTRUMENT HAVING)
IRRIGATION AND ASPIRATION)
CAPABILITIES)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents were previously submitted by applicants or cited by the Examiner in a prior application, application no. 09/079,168, filing date May 15, 1998, upon which applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. If the Examiner is unable to find any of the cited references, please call applicants' representative at (202) 408-6058 and she will gladly supply a copy.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 08-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 27, 2001

By: 
Jeanne M. Tanner
Reg. No. 45,156

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OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

| | |
|-----------------------------------|-----------------------|
| Atty. Docket No. 6530.0145-02 | Serial No. 09/977,289 |
| Applicant Vincent TURTURRO et al. | |
| Filing Date October 16, 2001 | Group: 3736 |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|-----------------|------------|--------------|-------|-----------|----------------------------|
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | |
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| | 510K application communications between Department of Health & Human Services and William Z. Kolozsi, M.D., relating to Triton Technologies Multiple Biopsy Device, dated March 11, 1991 through May 1, 1991, 27 pages |
| | Quinton, "Model 4.7mm Multipurpose Biopsy Tube" operator manual, 10 pages |

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| Examiner | Date Considered |
| *Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |
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OMB No. 0651-0011

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| Atty. Docket No. | 6530.0145-02 | Serial No. | 09/977,289 |
| Applicant | Vincent TURTURRO et al. | | |
| Filing Date | October 16, 2001 | Group: | 3736 |

| U.S. PATENT DOCUMENTS | | | | | | |
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| Examiner | Date Considered |
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| Examiner | Date Considered |
| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | |
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| Applicant | Vincent TURTURRO et al. | | |
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| Examiner Initial* | Document Number | Issue Date | Name | Class | Sub Class | Filing Date If Appropriate |
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